

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	
<i>v.</i>	:	CRIMINAL ACTION
	:	NO. 1:14-CR-192-ODE-AJB
FREDERICK JENKINS	:	
WILLIE JENKINS	:	

PROPOSED VOIR DIRE QUESTIONS

COMES NOW the United States of America, by and through counsel John A. Horn, Acting United States Attorney for the Northern District of Georgia, and Bernita B. Malloy and Nekia S. Hackworth, Assistant United States Attorneys, and respectfully submits the attached list of proposed *voir dire* questions to be propounded to the prospective jurors in this case, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure.

Respectfully submitted this 14th day of April, 2015.

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Acting United States Attorney

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I.

INDIVIDUAL QUESTIONS

1. What is your name, and how old are you?
2. Where do you live?
 - (a) How long have you lived there?
 - (b) Where did you live previously?
 - (c) How long have you been a resident of the Northern District of Georgia?
 - (d) Do you own or rent your home or residence?
3. Are you currently employed?
 - (a) Where do you work?
 - (b) What is your job description?
 - (c) Do you have management or supervisory authority?
 - (d) If retired or currently unemployed, what was your previous employment?
 - (e) If currently working at home, have you ever been employed outside of the home?
4. What is your educational background?
 - (a) Did you attend college?
 - (b) If so, where?

- (c) What was your major?
- (d) Do you have a post-graduate degree and, if so, in what field?
- 5. What is your marital status?
 - (a) If married, what is your spouse's occupation?
 - (b) If your spouse works in the home, has he or she ever been employed outside of the home? If so, in what capacity?
- 6. Please state the number of children or stepchildren you have, if any, their age, and, if employed, the name of their employer.
- 7. Do you belong to any social or professional organizations?
 - (a) If so, do you hold any office?
 - (b) Have you ever been actively involved in politics or participated in political campaign activities in your community?
- 8. Have you or a member of your family ever served in the military?
 - (a) If so, whom?
 - (b) What branch and dates of service?
 - (c) What were their/your duties and responsibilities?
 - (d) What was their/your highest rank attained?
 - (e) What type of discharge did they/you receive?
- 9. Have you ever served on a grand jury?
 - (a) Was it state or federal grand jury?

- (b) Where and when did you serve on the grand jury?
10. Have you ever served on a trial jury?
- (a) Was it a civil or criminal case?
 - (b) Where and when did you serve?
 - (c) Did the jury reach a verdict?
 - (d) Were you the foreperson?
 - (e) If you served on a criminal jury, was there anything about that experience that left you with a negative impression of the criminal justice system?
11. What newspapers or magazines do you read regularly?
12. What is your favorite television program?
- (a) Do you watch any television programs where law enforcement or the legal profession is the primary theme, such as CSI, Law and Order, or American Justice?
 - (b) Which programs?
 - (c) How often do you watch those programs?
 - (d) Based on these programs, have you formed any opinions about what type of evidence is necessary for the government to meet their burden of proof?
 - (e) Will you be able to set aside any preconceptions or expectations you

may have developed as a result of watching these shows if, in fact, real-life investigations, such as the one in this case, differ significantly from what is shown on television?

- (f) Will you be able to set aside any preconceptions or expectations you may have developed as a result of watching these shows if, in fact, real, unedited criminal trials differ significantly from what is shown on television?

13. Does any member of the panel listen to talk radio? If yes, what programs?

II.

CASE-SPECIFIC QUESTIONS

14. Do any of you know the defendant Frederick Jenkins?
15. Do any of you know the defendant Willie Jenkins?
16. Frederick Jenkins is represented by Steven H. Sadow, an attorney in Atlanta, Georgia. Do any of you know Mr. Sadow, either professionally or socially? Do any of you know anyone, socially or professionally, in Mr. Sadow's office?
17. Willie Jenkins is represented by Dwight L. Thomas, an attorney in Atlanta, Georgia. Do any of you know Mr. Thomas, either professionally or socially? Do any of you know anyone, socially or professionally, in Mr. Thomas' office?

18. Trying this case on behalf of the United States are Bernita B. Malloy and Nekia S. Hackworth, attorneys with the United States Attorney's Office for the Northern District of Georgia, and they are assisted by Paralegal Marti Goldring.
- (a) Do any of you know Ms. Malloy or Ms. Hackworth?
 - (b) Do any of you know John A. Horn, the Acting United States Attorney for this District?
 - (c) Do any of you know any other lawyers or employees with the United States Attorney's Office for the Northern District of Georgia?
19. Seated at counsel table with Ms. Malloy and Ms. Hackworth are Richard Thomas, a Special Agent with the Internal Revenue Service's Criminal Investigation Division, and La'Shaun Wright, a Special Agent with the Georgia Department of Revenue.
- (a) Do any of you know Special Agent Thomas?
 - (b) Do any of you know Special Agent Wright?
 - (c) Do any of you know any other employees of the Internal Revenue Service?
 - (d) Do any of you know any other employees of the Georgia Department of Revenue?
20. Frederick Jenkins and Willie Jenkins operated a tax preparation

business, Global Tax Service, LLC ("GTS"), headquartered at 1475 Terrell Mill Road, Suite 101, Marietta, Georgia 30067, with several locations throughout the Atlanta, Georgia area and in Alabama.

- (a) Has Frederick Jenkins ever prepared a tax return for you, a member of your family, or any close business or social associate?
 - (1) Were the returns prepared for you or for someone else?
 - (2) If prepared for someone else, who?
 - (3) For which tax year(s) did Frederick Jenkins prepare the return(s)?
 - (4) Were any of these returns audited by the IRS?
 - (5) If so, did you or the other person have to repay the IRS for any refund you received?
 - (6) Is there anything about this experience that would cause you to be less than fair or impartial as a juror in this case?
- (b) Have you, any member of your family, or close business or social associate had any other business dealings with Frederick Jenkins?
 - (1) If so, what was the nature of those business dealings?
 - (2) In what year(s) did the business dealings take place?
 - (3) Is there anything about this experience that would cause you to be less than fair or impartial as a juror in this case?

- (c) Has Willie Jenkins ever prepared a tax return for you, a member of your family, or any close business or social associate?
 - (1) Were the returns prepared for you or for someone else?
 - (2) If prepared for someone else, who?
 - (3) For which tax year(s) did Willie Jenkins prepare the return(s)?
 - (4) Were any of these returns audited by the IRS?
 - (5) If so, did you or the other person have to repay the IRS for any refund you received?
 - (6) Is there anything about this experience that would cause you to be less than fair or impartial as a juror in this case?
 - (d) Have you, any member of your family, or close business or social associate had any other business dealings with Willie Jenkins?
 - (1) If so, what was the nature of those business dealings?
 - (2) In what year(s) did the business dealings take place?
 - (3) Is there anything about this experience that would cause you to be less than fair or impartial as a juror in this case?
22. This is a criminal case involving aiding and assisting the filing of false federal income tax returns. Do you hold any beliefs, feelings, or prejudices against these types of prosecutions such that you could not sit as a fair and impartial juror in this case?

23. Does anyone on the jury panel have any personal knowledge of the facts in this case? Has anyone discussed the charges in this case with anyone else or overheard such a discussion? If so, have you begun to form an opinion concerning the facts of the case or about the guilt or innocence of either Frederick Jenkins or Willie Jenkins? Is there anyone on the jury panel who could not disregard this and render a fair and impartial verdict based solely upon the evidence introduced during trial and the law as instructed by the Court?
24. Have any of you ever had any direct dealings with the Internal Revenue Service, such as civil audits, criminal investigations, collection activity, or contact with Internal Revenue Service personnel? (This does not include the regular or routine filing of personal or business tax returns.) Have any of your immediate family members, close business associates, or close friend had any such experiences?
25. If any member of the jury panel answers in the affirmative to question number 24, please ask him or her to approach the bench and ask the following questions:
- (a) When did this occur?
 - (b) Was it criminal, civil, or collection activity?
 - (c) Were you or the other person involved satisfied with the

results of the audit or the investigation?

(d) In your opinion, were you or the other person involved treated fairly by the Internal Revenue Service employees?

(e) Do you have any feelings or opinions about the Internal Revenue Service because of this that would make you unable to decide this case fairly?

26. Do you, any member of your family, or a close business or social associate belong to any organization whose members express dissatisfaction with the substance, form or administration of the tax laws by either interfering with such administration, attempting to illegally evade the payment or assessment of taxes, or by filing false income tax returns?
27. Does any member of the jury panel disagree with the Internal Revenue laws of the United States, such that you hold a personal belief that the United States should not regulate the payment of income taxes or that the Internal Revenue Service should not investigate or audit taxpayers or tax preparers?
28. Do any of you believe that the income tax laws of the United States are unconstitutional? Do you feel that it is wrong for the United States to try to make its citizens pay taxes?
29. Do any of you disagree with the idea that everyone has a duty to obey the

income tax laws, as well as all other laws, of this country?

30. Do you, any member of your family or any close business or social associate hold any personal belief, conviction or prejudice against the criminal laws of the United States such that you could not sit as a fair and impartial juror in this case?
31. The United States will call an employee of the Internal Revenue Service as a summary/expert witness to testify in this case. Do any of you have any prejudice or belief against IRS employees that would prevent you from accepting the summary/expert testimony of a witness for the United States? Is there anyone who would hold an employee of the Internal Revenue Service that is used as a summary/expert witness to a higher or lower standard than a witness who is not employed by the Internal Revenue Service?
32. Have any of you had any training in accounting or law? If so,
 - (a) What kind of training?
 - (b) Would that training affect your ability to follow the Court's instructions on the law to be applied in this case?
33. Does the fact that the United States of America is a party to this case cause you to feel uncomfortable sitting as a juror or cause you to feel any bias or prejudice for or against the United States such that you cannot sit as a fair

and impartial juror?

34. Provided the government proves the defendant's guilt beyond a reasonable doubt, would anything you might learn about the defendant concerning such things as his age, health, religious affiliation, family circumstances, or occupation prevent you from finding him guilty?
35. Have any of you, any member of your family, or a close business or social associate been arrested, charged, or convicted for any crime, felony or misdemeanor, other than minor traffic violations?
36. Is there anyone on the jury panel who would not be able to sit in judgment of another individual because of religious beliefs or because of personal beliefs unrelated to religion?
37. If you are selected as a juror in this case, you will take an oath to render a verdict based upon the law as given to you by the Court. You will be required to accept the law as given to you by the Court without regard to any personal opinion you may have as to what the law is or should be. Is there anyone who would not be able to reach a verdict in accordance with the law as given to you in the instructions of the Court?
38. The United States has the burden to prove that the Defendant is guilty beyond a reasonable doubt. Is there anyone who thinks that this burden is too heavy, or that it is asking too much of the United States to prove the

Defendant's guilt beyond a reasonable doubt?

39. On the other hand, the law does not require the United States to prove the guilt of a defendant beyond all possible doubt. The law recognizes that the human mind can always conceive of some doubt as to any proposition. Is there anyone who will require the United States to prove its case beyond all doubt before he or she could vote for a guilty verdict?
40. The law requires that you hear the evidence, and then base your verdict on the facts as you find them. In contrast, the law precludes your consideration of factors such as sympathy, prejudice, vengeance, hostility, or any other emotions. Is there anyone who feels that he or she cannot put these factors out of his or her mind in deliberating a verdict in this case?
41. If you find, after considering the evidence along with the Court's instructions regarding the law, that the Defendant is guilty of one or more of the counts in the indictment, it will be the duty of this Court to determine any punishment. The law does not permit you to consider the issue of punishment because there are factors having nothing to do with this trial that will determine the appropriate sentence, if any. Is there anyone here who would vote "not guilty," no matter what the evidence indicates, because of the possibility that the court may impose a jail sentence or any other particular sentence?

42. Does anyone have any medical condition, for instance, a visual or hearing impairment, that might affect his or her ability to devote full attention to this proceeding?
43. This trial is expected to last approximately 6 to 10 days. Do any of you anticipate that the duration of this trial would cause any severe hardship or difficulty for you because of your employment, family circumstances, health, or other reason?
44. Is there anything that has not been discussed today that you feel would affect your ability to sit as a fair and impartial juror in this case?
45. Is there any other information that you feel is relevant to your ability to serve as a fair and impartial juror in this case?

CERTIFICATE OF COMPLIANCE AND SERVICE

This is to certify that the foregoing document was formatted in accordance with Local Rule 5.1C in Book Antiqua font, 13 point type. This is to also certify that I have this day electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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This the 14th day of April, 2015.

/s/ Bernita B. Malloy
BERNITA B. MALLOY
Assistant United States Attorney